

SENATE NO. 184

AN ACT TO REDUCE UNWANTED COMMUNICATIONS FROM CREDITORS TO PROTECT THE PEACE AND PRIVACY OF RESIDENTS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 93 of the General Laws as appearing in the 2004 Official Edition is hereby
2 amended by inserting after subsection(d) in section forty-nine the following:-

3 (e) The creditor communicates with the alleged debtor regarding a debt after such debtor has notified
4 the creditor, in writing or orally, that the alleged debtor refuses to pay such debt or that the alleged
5 debtor wishes the creditor to cease further communications with debtor about such debt, with the
6 following exceptions, which must be in writing:

7 To advise the alleged debtor that the creditors further efforts are being terminated;

8 To notify the alleged debtor that the creditor may invoke specified remedies which are ordinarily
9 invoked by such creditor; or, where applicable, to notify the debtor that the creditor intends to invoke a
10 specified remedy.

11 An oral notice shall be valid for only ten days unless the alleged debtor provides written confirmation
12 postmarked or delivered within seven days of such notice. A debtor may rescind at any time such a
13 notice by written communication to the creditor. A creditor must inform the alleged debtor of this
14 right upon first communication with the alleged debtor, to be followed within thirty days by a written
15 short and plain explanation of this right.

16 For purposes of this section, "creditor" means any person and his agents, servants, employees or
17 attorneys engaged in collecting a debt owed or alleged to be owed to him by a debtor; provided,
18 however, that a person shall not be deemed to be engaged in collecting a debt if his activities are solely
19 for the purposes of repossessing any collateral or property of the creditor securing such a debt

